

REMARKS

Claim 1 has been amended so as to remove the specific reference to a “heterojunction” between the first and second crystal layers in addressing the issues under 35 USC 112 discussed in more detail below. It is submitted that presently amended claim 1 finds full support in the original disclosure.

Restriction Requirement Issues

Applicant respectfully maintains a traversal of the Restriction Requirement for the reasons indicated in the Reply filed May 4, 2005, which reasons are deemed repeated herein. In addition, it is submitted that the presently non-elected claims should be rejoined upon an indication of allowance of the presently elected product claims 1-5. It is submitted that method claims 6-11 recite a method for fabricating a thin-film crystal wafer that includes all of the features of the product embodiments recited in elected claims 1-5. Thus, claims 6-11 should receive the benefit of the “rejoinder” provisions noted in MPEP 821.04(b). Thus, it is again respectfully requested that the Restriction Requirement be withdrawn.

Removal of Issues under 35 USC 112

Claims 1-5 have been rejected under 35 USC 112, second paragraph, as allegedly being indefinite because of the phrase “...that form heterojunction...”. Claim 1 has been amended so as to remove this phrase and so as to clarify that the “thin film layer” is formed at the interface of the first and second crystal layers. Thus, it is submitted that the basis for the above rejection has been removed, such that this rejection should be withdrawn.


It is submitted for the reasons above that the present claims define patentable subject matter such that this application should now be placed in condition for allowance.

If any questions arise in the above matters, please contact Applicant’s representative, Andrew D. Meikle (Reg. No. 32,868), in the Washington Metropolitan Area at the phone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By 

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